

207347

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



GEORGE H. BRANT
312-777-2051
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047

March 4, 2003

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001



Attention: Victoria Rutson

**RE: Proposed Abandonment of the Sheffield Industrial Lead from
M.P. 179.80 near Chapin to M.P. 173.90 near Sheffield, a
distance of 5.9 miles in Franklin County, Iowa; STB Docket
No. AB-33 (Sub-No. 202X)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after March 25, 2003.

Sincerely,

Mack H. Shumate, Jr.
Senior General Attorney

**ENTERED
Office of Proceedings**

MAR - 5 2003

**Part of
Public Record**

Enclosures

State Clearinghouse (or alternate):

Mr. Steven R. McCann
Division for Community Progress
Iowa Department of Economic
Development
200 East Grand Avenue
Des Moines, IA 50309

State Environmental Protection

Agency:

Department of Natural Resources
Wallace State Conservation Service
693 Federal Building
210 Walnut Street
Des Moines, IA 50309

State Coastal Zone Management Agency
(if applicable):

Not applicable.

Head of each County:

Franklin County Board of Supervisors
County Courthouse
P. O. Box 26
Hampton, IA 50440-0026

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Region 3
One Federal Drive
Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Rock Island
P. O. Box 2004
Rock Island, IL 61204-2004

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
Department of the Interior
1849 "C" St., N.W., #MS2540
Washington, D.C. 20240

U.S. Natural Resources Conservation
Service:

USDA Natural Resource Conservation
Service
693 Federal Bldg.
210 Walnut Street
Des Moines, IA 50309

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

Shipper:

Mr. Gaylan Brunssen
General Manager
AgVantage FS, Incorporated
P. O. Box 409
New Hampton, IA 50659-0409

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P. O. Box 409
New Hampton, IA 50659-0409

**Re: Docket No. AB-33 (Sub-No. 202X), Union Pacific Railroad
Company - Abandonment of the Sheffield Industrial Lead
-- In Franklin County, IA**

Dear Sirs:

On or after March 25, 2003, we expect to be filing with
the Surface Transportation Board (STB or Board) a Petition for
Exemption seeking authority to abandon the Sheffield Industrial

Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.9 miles in Franklin County, Iowa (the "Line"). The Line traverses U. S. Postal Service Zip Codes 50427 and 50475. Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

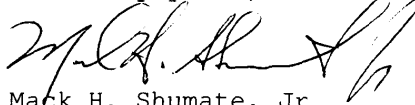
We are providing this report so that you may review the information the STB will use for it's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Numbers:

Surface Transportation Board
Section of Environmental Analysis (SEA)
1925 K Street, N.W., Room 504
Washington, D.C. 20423-0001
Telephone (202) 565-1545

The applicable statutes and regulations impose stringent deadlines for processing this action, so your written comments to SEA (with a copy to our representative) would be appreciated within three weeks.

The Board will consider your comments in evaluating the environmental and/or historic preservation impacts of the contemplated action. Please direct any questions concerning this proposal to our representative at the addresses and telephone numbers indicated on this letterhead.

Sincerely yours,



Mack H. Shumate, Jr.
Senior General Attorney

bcc: w/ Enclosures

Ray Allamong, Room 1110
Norm Siler, Room 930
Lynda Prucha, Room 830
John Herdzina, WP001

bcc: w/o Enclosures

Dennis Duffy, Room 1206
Joe Bateman, Room 801
Sylvester Bobo, MC3300
John Bromley, Room 605
Jim Farrell, Room 430
Bob Fredericks, WT10S
Dave Hatfield, Room 1214
Kay Leslie, MC9091
Bill E. Loomis, Room 332
Hans Matthiessen, Room 700
Roger Nicolaisen, MC9091
Denny Brown, WP001
Bill Wimmer, Room 1030

Blind Note: If anyone listed above wishes to obtain a copy of
the Combined Environmental and Historic Report,
please contact Chuck Saylor at 271-4861.

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 202X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FRANKLIN COUNTY, IA
(SHEFFIELD INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: March 4, 2003
Filed: March 5, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 202X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FRANKLIN COUNTY, IA
(SHEFFIELD INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an abandonment of the Sheffield Industrial Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.9 miles in Franklin County, Iowa (the "Line").

The Line traverses U. S. Postal Service Zip Codes 50427 and 50475.

UP anticipates that a Petition For Exemption to discontinue service on the Line will be filed at the STB on or after March 25, 2003.

A map of the Line is attached as **Attachment No. 1**. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to the letter to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or

maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: UP proposes to abandon the Sheffield Industrial Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.9 miles in Franklin County, Iowa. Currently, AgVantage FS, Incorporated ("AgVantage") is the only customer on the Line. In 2001, AgVantage shipped 171 cars (17,486 tons) of Corn (STCC 0113215) at Sheffield and 539 cars (53,473 tons) of Corn at Chapin. In 2002, AgVantage shipped 281 cars (28,107 tons) of Corn and 25 cars (2,475 tons) of Milo (STCC 0113655) at Sheffield and 297 cars (29,425 tons) of Corn at Chapin. AgVantage is aware of the proposed abandonment, and it will not have an adverse effect on AgVantage. AgVantage has already terminated its rail activity at Sheffield in favor of trucking grain to the recently enlarged UP rail served facility at Chapin. That portion of the Line at Chapin and running south will be reclassified and AgVantage will take control of the track as an industry spur. UP will continue to provide service to AgVantage's Chapin facility. UP will continue to provide rail service at its main line in Chapin, less than one mile from the town of Chapin and five miles from Sheffield. Sheffield and Chapin lie on U.S. Highway 65, a north-south route, and have access via local and state roads to Interstate 35, a north-south route running approximately ten miles to the west.

UP is not aware of any other industry planning a location along the Line and there is no overhead traffic. There are no reasonable alternatives to abandonment of the Line. Traffic levels on the Line do not justify its continued operation and maintenance. Recent train service was provided on an as needed basis.

The Line was constructed by the Central Railroad of Iowa in 1870. The Line is laid with 100-pound rail. The Line contains reversionary interest property but no federally granted right of way. Upon abandonment the rail might be retained for subsequent use or sold to a salvage company.

A map of the Line is attached as **Attachment No. 1**.

(2) **Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: The Line's only source of rail activity in the past two years has been AgVantage FS, Incorporated at New Hampton, Iowa. The abandonment will not have an adverse effect on AgVantage, who is aware of the abandonment. No traffic diversion to other modes will occur because of this action.

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) Applicant is unaware of any adverse effects on local and existing land use plans. The Franklin County Commissioners Office has been contacted. To date UP has received no response.

(ii) The United States Natural Resources Conservation Service has been contacted. To date UP has received no response.

(iii) The Line is not in a state coastal zone.

(iv) UP believes the property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, because the area, with its limited population base, is adequately service by existing roads and utility lines. The property would be well suited for trail purposes.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There will be no effect on the transportation of energy resources.

(ii) There will be no effect on recyclable commodities.

(iii) There is little if any change in rail activity resulting from the proposed action, so there should be no discernible effect on energy efficiency.

(iv)(A)(B) There will be no rail-to-motor diversion of these magnitudes.

(5) **Air.** (i) If the proposed action will result in either:
(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic of such magnitude resulting from the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's

safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) UP is unaware of any hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response.

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicant should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The Iowa Department of Natural has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted and determined that the proposed abandonment does not require a Department of the Army

Section 404 permit. The Corps of Engineers response is marked **Attachment No. 3** and is attached hereto and hereby made a part hereof.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The Line is generally 100 feet in width and is adjacent to fair to good agricultural land. The topography varies from flat to gently sloping.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: There are no structures on the property that are 50 years old or older.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: Not Applicable

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Not Applicable

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP does not have any such readily available information.

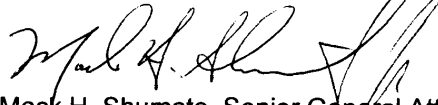
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 4th day of March, 2003.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Mack H. Shumate", written over the company name.

Mack H. Shumate, Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, IL 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 202X) for the Sheffield Industrial Lead in Franklin County, Iowa was served by first class mail on the 4th day of March, 2003 on the following:

State Clearinghouse (or alternate):

Mr. Steven R. McCann
Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

State Environmental Protection Agency:

Department of Natural Resources
Wallace State Conservation Service
693 Federal Building
210 Walnut Street
Des Moines, IA 50309

State Coastal Zone Management Agency
(if applicable):

Not applicable.

Head of each County:

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County Courthouse
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U.S. Army Corps of Engineers:

U.S. Army Engineer District
Rock Island
P. O. Box 2004
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National Park Service:

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National Park Service
Department of the Interior
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Washington, D.C. 20240

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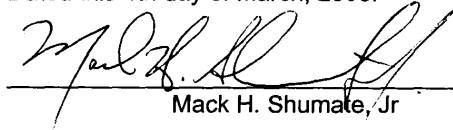
National Geodetic Survey:

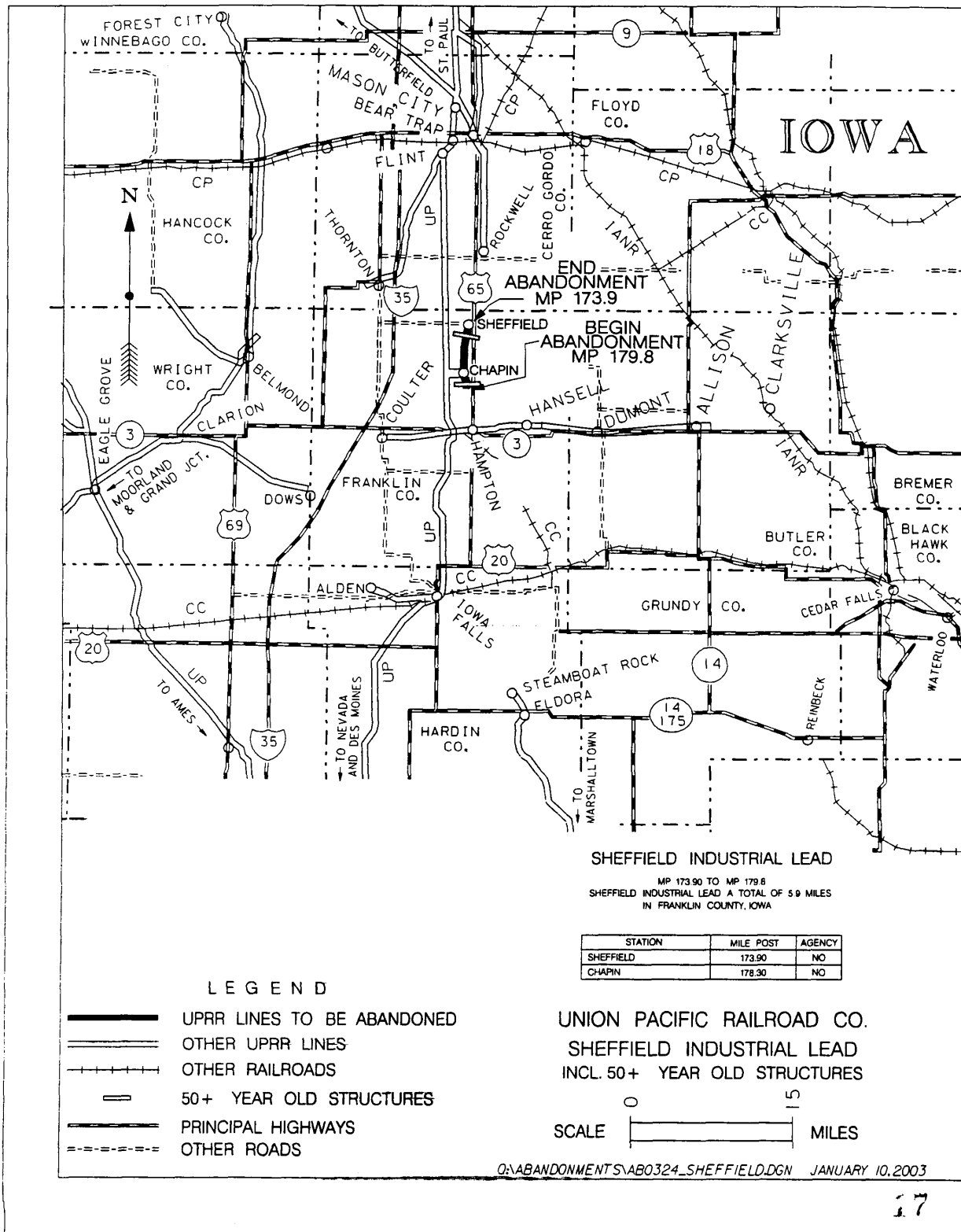
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Mr. Gaylan Brunssen
General Manager
AgVantage FS, Incorporated
P. O. Box 409
New Hampton, IA 50659-0409

Dated this 4th day of March, 2003.


Mack H. Shumate, Jr.



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861
(402) 271-5625 (FAX)

January 13, 2003

State Clearinghouse (or alternate):

Mr. Steven R. McCann
Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

State Environmental Protection Agency:

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State Coastal Zone Management Agency

(if applicable):

Not applicable.

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U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
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U.S. Army Corps of Engineers:

U.S. Army Engineer District
Rock Island
P. O. Box 2004
Rock Island, IL 61204-2004

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 500
Washington, D.C. 20002

U.S. Natural Resources Conservation Service:

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Mr. Gaylan Brunssen
General Manager
AgVantage FS, Incorporated
P. O. Box 409
New Hampton, IA 50659-0409

Re: Proposed Abandonment of the Sheffield Industrial Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.65 miles in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 202X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon the Sheffield Industrial Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.65 miles in Franklin County, Iowa. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.


STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

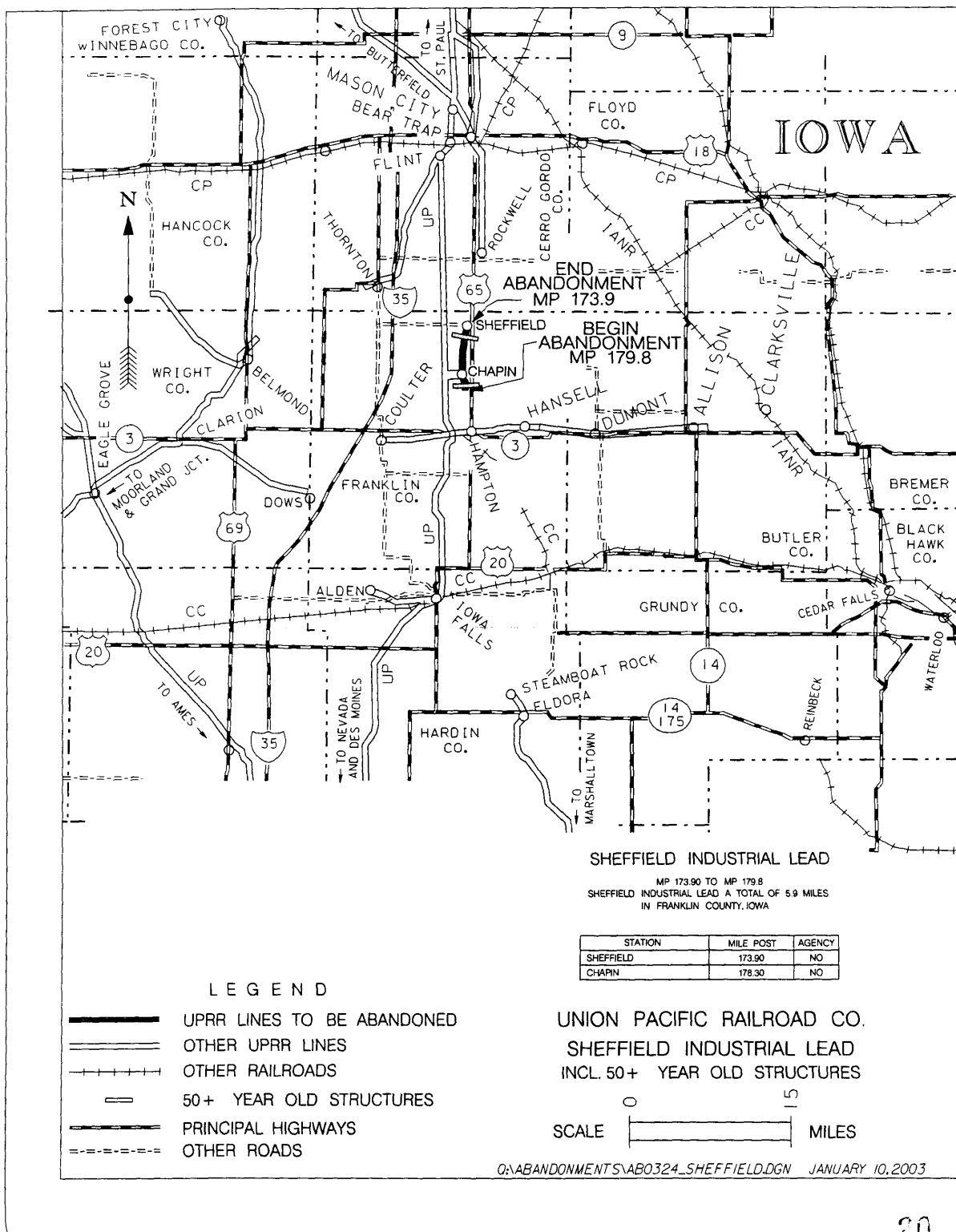
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS
CLOCK TOWER BUILDING - P.O. BOX 2004
ROCK ISLAND, ILLINOIS 61204-2004

<http://www.mvr.usace.army.mil>

January 15, 2003

Operations Division

SUBJECT: CEMVR-OD-P-439290

Mr. Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska 68179

Dear Mr. Saylor:

Our office reviewed your letter dated January 13, 2003, concerning the proposed abandonment of the Sheffield Industrial Lead from Mile Post 179.80 to Mile Post 173.90 Franklin County, Iowa.

We determined your project as proposed does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

Should your project involve the extraction of any bridges, you are required to remove all fill material to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations. You are also required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the United States during your project.

You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although a DA Section 404 permits is not required for the project as proposed, you must still acquire other applicable Federal, state, and local permits.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone me at 309/794-5367.

Sincerely,

A handwritten signature in black ink, reading "Michael D. Hayes".

Michael D. Hayes
Project Manager
Enforcement Section

Copy Furnished: (w/o enclosures)

Mr. Kelly Stone (2)
Iowa Department of Natural Resources
Flood Plain Section
Henry A. Wallace Building
900 East Grand Avenue
Des Moines, Iowa 50319-0034